

First, the Examiner's assertion that claims 1-18 of the co-pending application contain every element of the instant application is incorrect. For example, claims 1-18 of the co-pending application fail to recite at least "obtaining a map data set that contains the route from a map database which stores a plurality of map data sets, based on the travel route data" and/or "attaching the photography data to the map data set." Accordingly, the basis on which the Examiner appears to be supporting his rejection is incorrect.

Second, as discussed in § 804.II of the MPEP, "[d]omination and double patenting should not be confused." Domination by itself cannot support a double patenting rejection. *In re Kaplan*, 789 F.2d 1574, 1577-78, 229 USPQ 678, 681 (Fed. Cir. 1986). Accordingly, the mere fact a first application has a broad or generic claim which fully encompasses or reads on an invention defined in a narrower or more specific claim of another application, does not in and of itself support a double patenting rejection.

Finally, if a provisional obviousness-type double patenting rejection is the only remaining rejection in an application, the Examiner should withdraw the rejection and allow the application to issue as set forth in § 804.I.1 of the MPEP.

For at least those reasons presented above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-16 under the judicially created doctrine of obviousness-type double patenting.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone

number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Anderson', written over a horizontal line.

By  
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